AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/837,602 Filing Date: April 18, 2001

Title: DNA ENCODING A DNA REPAIR PROTEIN

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Remarks

Reconsideration and withdrawal of the rejections of the claims, in view of the amendments and remarks herein, is respectfully requested. Claims 1-2, 4, and 20-22 are amended, claim 3 is canceled, and claims 23-28 are added. Claims 1-2, 4 and 20-28 are pending. The amendments are intended to further prosecution and are not intended to concede to the correctness of the Examiner's position or to prejudice the prosecution of the claims prior to amendment, which claims are present in a continuation of the present application.

Amended claim 1 is supported by originally-filed claims 1 and 3.

Amended claims 2 and 4 are supported by originally-filed claims 2 and 4.

Amended claims 20-22 are supported by originally-filed claims 1 and 3-4, and by page 4, lines 14-18, page 15, lines 3-5, and Example 2 of the specification.

New claim 23 is supported by originally-filed claims 1-2.

New claim 24 is supported by page 4, lines 5-12 and page 70, lines 29-30 of the specification.

New claims 25-27 are supported by page 4, lines 14-18, page 22, lines 16-18, and page 70, lines 12-14 of the specification.

New claim 28 is supported at page 5, lines 18-21 and page 14, line 25-page 15, line 6 of the specification.

The Examiner rejected claims 1-4 and 20-22 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner also rejected claims 1-4 and 20-22 under 35 U.S.C. § 112, first paragraph, as the instant specification does not purportedly contain a written description of the invention in such full, clear, concise, and exact terms or in sufficient detail that one skilled in the art can reasonably conclude that Applicant had possession of the claimed invention at the time of filing. The amendments to the claims render the § 112 rejections moot.

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Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6959) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date De Mender 3, 2017

Janet E. Embretsor

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 30 day of December, 2002.

Vana

Signature